

# Agreement State Involvement in the NRC Rulemaking Process

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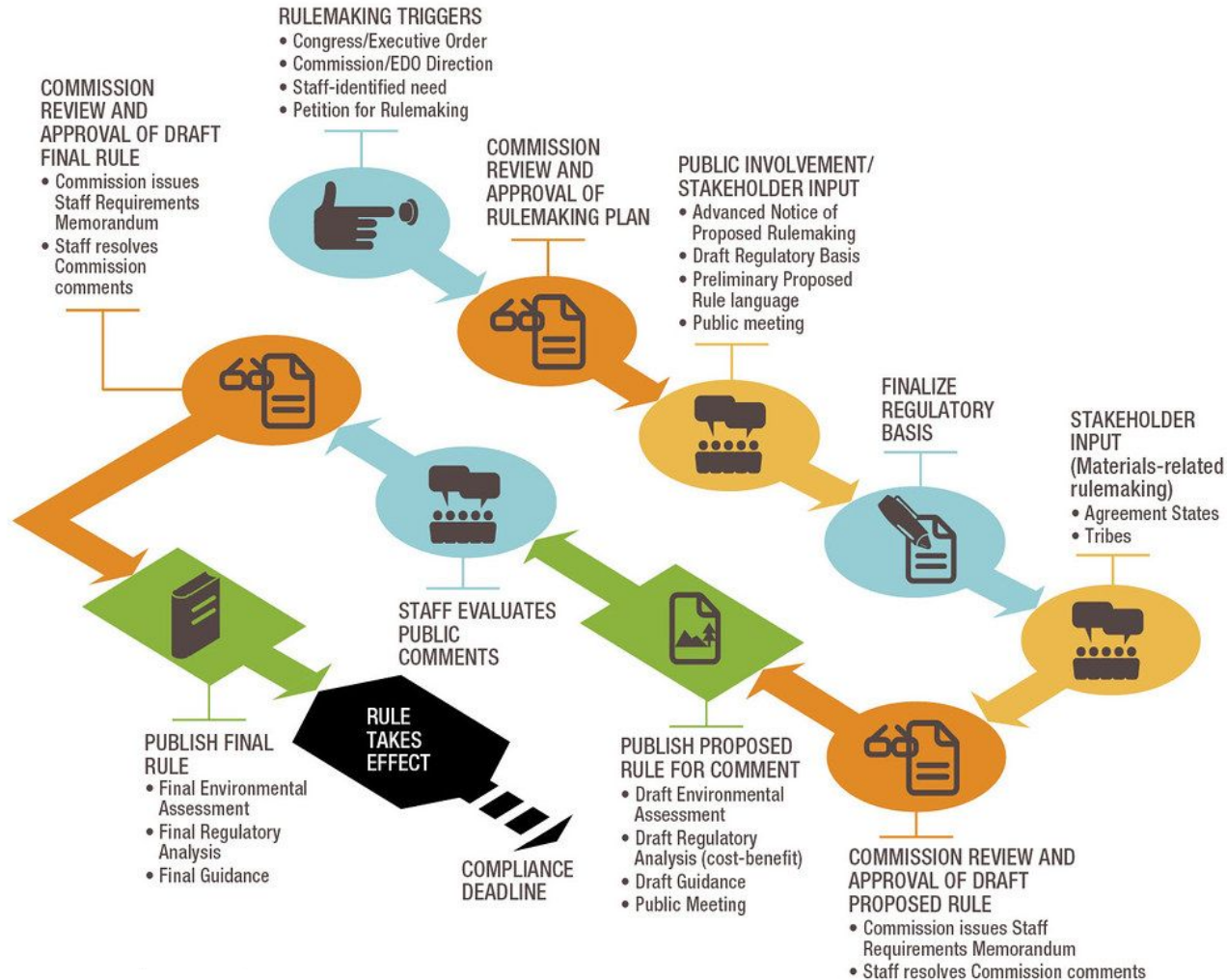
# Key Messages

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- NRC is dedicated to working early and often with Agreement States throughout the rulemaking process
- SA-801A “Agreement State Participation in the NRC Rulemaking Process” (completed January 2019) provides clear guidance on achieving effective communication

# NRC Rulemaking Process

## A Typical Rulemaking Process



# Historical Agreement State Involvement in Rulemaking

- 2008: AS participation expanded
  - Management Directive 5.3 “Agreement State Participation in NRC Working Groups”
  - Standing Committee on Compatibility chartered as permanent working group
- 2016: Updated procedures
  - SA-801 “Agreement State Participation in NRC Working Groups”
- 2019: Enhanced participation in rulemaking
  - SA-801A “Agreement State Participation in the NRC Rulemaking Process”

MD 5.3, SA-800, and SA-801A can be found at: <https://scp.nrc.gov/procedures.html>  
SCC charter can be found at: <https://www.nrc.gov/docs/ml1226/ML12269A247.pdf>



# Benefits of Early Involvement

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- Early and often engagement results in:
  - Early alignment on key aspects of the rulemaking
  - Inclusion and consideration of OAS/Agreement State input, prior to the final stages of rulemaking
  - Increased transparency and inclusion between NRC and OAS/Agreement States
  - High quality end result

# SA-801A Purpose

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- Provides framework for early and often engagement with Agreement States on rulemaking activities
- Describes each stage of the rulemaking process and serves as the primary resource for Agreement State involvement in each of these processes
- Expands OAS/Agreement State involvement in early stages of rulemaking

# SA-801A Key Components

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- Roles and Responsibilities
- Procedures for involvement in each step of the rulemaking process including:
  - Common Prioritization of Rulemaking
  - Rulemaking Plan
  - Regulatory Basis
  - Proposed Rule
  - Final Rule
  - Direct Final Rule
  - Petitions

# Enhancing Early Involvement

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- OAS and Agreement States will be aware of new rulemaking activities through one of the following mechanisms:
  - The OAS Director of Rulemaking will be briefed on all new rulemaking activities during the Common Prioritization of Rulemaking process
  - The Steering Committee on Compatibility
  - OAS/CRCPCD monthly conference calls
  - Directly through the NRC Agreement States Program Branch (via Branch Chief)
  - STC Letters



# Examples of NRC Rulemakings for Agreement State Interest

- Current
  - “Individual Monitoring Devices”
    - 10 CFR Parts 34, 36, 39
- Upcoming
  - “Greater-Than-Class-C and Transuranic Waste”
    - 10 CFR Part 61
  - “Groundwater Protection In Situ Leach Uranium Recovery Facilities”
    - 10 CFR Part 40
  - “Integrated Radioactive Source Security and Accountability”
    - 10 CFR Parts 20, 30, 32, 37, 40, 70
  - “Revisions to Transportation Safety Requirements and Compatibility with International Atomic Energy Agency Transportation Standards”
    - 10 CFR Part 71
  - “Updates for Emerging Medical Technologies”
    - 10 CFR Part 35

# Rulemaking Resource

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- Rulemaking Tracking and Reporting System
  - Near real-time updates on active rules and petitions
- Accessible at:
  - <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>

# Continuous Improvement

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- Improving Efficiency in the Rulemaking Process
  - Identify process improvements to streamline the rulemaking process, considering lessons learned, best practices, and insights from other government agencies

# Questions?